

Remarks

The Examiner has rejected claims 1-3 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,070,102 to MacDonald ("MacDonald"). The Examiner also rejected claims 4-6 and 8-12 under 35 U.S.C. §103(a) as being unpatentable over Macdonald in view of U.S. Patent No. 5,678,273 to Porcelli ("Porcelli"). Based on the foregoing Amendments and following Remarks, Applicant's invention is patentable over the cited art.

Applicant's invention is directed to a tongue cleaning device requiring, among other elements, the following: an elongated member having a handle portion and a head portion; and the handle portion being of a deformable material for deforming around a user's teeth, thereby permitting the head portion to be pressed with the user's tongue against the user's roof of the mouth.

Neither MacDonald nor Porcelli discloses, teaches, or suggests an elongated member having a handle portion and where the handle portion is of a deformable material for deforming around a user's teeth, thereby permitting the head portion to be pressed with the user's tongue against the user's roof of the mouth. The handle portion of Applicant's invention permits the user to maneuver the device to clean the tongue and, after completion, grasp and remove the device.

Both MacDonald and Porcelli relate to a toothbrush that adheres to a user's finger. It would not be obvious to one skilled in the art to modify either reference to include a handle because a handle would not provide any beneficial advantage to either

invention of MacDonald or Porcelli since the toothbrush is already adhered to the finger. Because the toothbrush is already adhered, the toothbrush is already maneuverable and easily removable. Therefore, the handle of Applicant's invention, which permits the user to maneuver the device and, upon completion, grasp and remove the device, would be repetitive for the toothbrush of the cited art. As a result, modifying the prior art by one skilled in the art to include a handle would not be obvious as the handle would not provide any additional benefit.

Although extension 10 of MacDonald appears to look like a handle, it is only for helping remove the finger brush from the packaging. "When a person desired to make use of one these toothbrushes, the operation is as follows:...He then grasps tab 31 between his right thumb and forefinger and graphs tab 27, which tab will include the extension 10..." Col. 2, lines 46-55. Extension 10 cannot be a handle of deformable material for deforming around a user's teeth and, after completion, permitting a user to grasp and remove the device because, in MacDonald, the finger is the handle. "...finger acting as the brush handle." Col. 2, lines 12-15 and 68-70.

Therefore, both Macdonald and Porcelli do not teach or suggest a handle and without some teaching or suggestion in either reference to provide a handle, no modification may be properly made under 35 U.S.C. §103(a) to provide a handle as claimed in Applicant's application. Hence, the cited references do not render Applicant's invention obvious.

Page -6-  
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By the foregoing Remarks and Amendment, Applicant respectfully submits that  
all pending claims are in order for allowance.

Respectfully submitted,



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